

REMARKS

The Examiner rejected claims 1-39 under 35 U.S.C. 102(b) as being anticipated by *Crinion* (US Patent No. 6,181,699 B1). Claim 1 has been amended to clarify the distinctions between *Crinion* and claim 1 by including the features of “generating a list of one or more identifiers for one or more broadcast domains” and “comparing the portion of the segment of data identifying the particular broadcast domain with the list.” These amendments are fully supported by Applicant’s specification which reads:

There are a variety of options for filtering frames belonging to a particular VLAN. In one approach the selection list includes VID's for frames that are allowed to be transmitted by the host computer system 202, and for any VID that is not on the list, its corresponding frame is excluded from being transmitted by the host computer system 202. Page 8, lines 12-18.

In rejecting claim 1, the Examiner found:

As per claim 1, *Crinion* teaches accepting a segment of data from a host system (Figure 8 and col. 5, lines 25-30), a portion of the segment identifying a broadcast domain (Figure 4 and 6, where the portion of the segment is the VLAN ID).

Therefore, the Examiner reasons that *Crinion*’s “VLAN ID” is equivalent to claim 1’s “a portion of the segment identifying a particular broadcast domain.” Under the Examiner’s reasoning, in order for *Crinion* to teach “comparing the portion of the segment of data identifying the particular broadcast domain with the list,” *Crinion* must teach comparing the “VLAN ID” with a list of one or more identifiers for the broadcast domains. The Examiner cites to two passages as allegedly teaching this limitation: col. 7, lines 40-50 and col. 6, lines 27-36.

Regarding the first cited passage, the Examiner’s reasoning is inconsistent, because this passage teaches comparing a “VLAN *type* ID”, not a “VLAN ID,” to a “*type* field of an incoming frame.”

Receive section 310 has the capability of VLAN tag detection with VLAN detector/insertor 335, which implements the IEEE 802.1Q default tag

insertion scheme. Detector/inserter 335 compares the type field of the incoming frame to the VLAN type ID. If a match occurs, a VLAN tagged packet has been received and the PDX will set the Rx packet status bits in the info field. Col. 7, lines 37 – 43.

As described in *Crinion*, a “VLAN *type* ID” differs from a “VLAN ID,” because the “*type*” field refers to “protocol information” and not a particular broadcast domain:

FIG. 2 illustrates an exemplary frame. The frame includes seven bytes of preamble information (PRE), one byte of start-of-frame delimiter information (SFD), six bytes of destination address information (DA), six bytes of source address information (SA), four bytes of VLAN tag information, two bytes of protocol information (TYPE). Col. 3, lines 50-55.

Therefore, *Crinion*'s disclosure of “compare[ing] the *type field* of the incoming frame to the *VLAN type* ID” fails to teach “comparing the portion of the segment of data identifying the particular broadcast domain with the list.” Simply put, *Crinion* teaches the comparison of “protocol information,” not identifiers for broadcast domains.

The second cited passage also fails to teach comparing *Crinion*'s “VLAN ID” with “... the portion of the segment of data identifying the particular broadcast domain with the list.” Instead, this passage teaches the “matching” of Content Addressable Memory (“CAM”) addresses:

As the first cell from port 211a is sent across switch bus 260, all PDXs will monitor the data received from the switch bus. When the first Info/data cell of the packet is received by PDX 200b, the DA field of the packet is parsed by look up engine 235b which compares his address with those stored in its internal CAM. In this case, it is assumed that the CAM matches, indicating that port 221b is the intended destination. With an address match, PDX 200b will source a destination MATCH signal back to PDX 200a to indicate that the packet's destination has been found. Col. 6, lines 27-36.

As previously discussed, the Examiner equates *Crinion*'s “VLAN ID” with “a portion of the segment identifying a particular broadcast domain.” Therefore, under the Examiner's reasoning, this passage would teach claim 1's limitations if it taught comparing a VLAN ID to “identifiers for one or more broadcast domains.” However, this passage fails to teach comparing

VLAN IDs to *anything*. Instead, it teaches *matching* CAMs, but CAMs are not VLAN IDs. Therefore, under the Examiner's own reasoning, this passage fails to teach comparing "a portion of the segment identifying a particular broadcast domain" with "identifiers for selected broadcast domains."

Additionally, the Examiner cites to these same two passages in finding that *Crinion* teaches "*excluding* the segment of data *from transmission* from the host system based on the comparison between the portion of the segment and the list." This limitation requires that the "segment of data" is *excluded* "from transmission." *Crinion* fails to teach this limitation because *Crinion* does not disclose a "comparison between the portion of the segment and the list," as previously addressed. *Crinion* additionally fails to teach this limitation, because *Crinion*'s comparisons are performed *after receipt* of data and therefore the data is not excluded from "transmission."

For example, in the first cited passage, comparison of the type fields occurs after the receipt of data, because the comparison is performed in the "receive section:"

Receive section 310 has the capability of VLAN tag detection with VLAN detector/insertor 335, which implements the IEEE 802.1Q default tag insertion scheme. Col. 7, lines 37 – 39.

The second cited passage includes the same deficiency, by describing that CAM address matching occurs after receipt of data:

When the first Info/data cell of the packet is received by PDX 200b, the DA field of the packet is parsed by look up engine 235b which compares his address with those stored in its internal CAM. Col. 6, ll. 29-32.

Therefore, these passages fail to provide any indication that data is *excluded* from transmission. In fact, these passages teach the opposite: the receipt of data.

Claims 17, 27 and 38 are patentable for at least the reasons discussed above with regard to claim 1. All of the dependent claims are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Applicant : Thomas M. Slaight
Serial No. : 10/741,533
Filed : December 19, 2003
Page : 11 of 11

Attorney's Docket No.: 10559-0916001 / P17368

Canceled claims, if any, have been canceled without prejudice or disclaimer. Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket no. 10559-0916001.

Respectfully submitted,

Date: January 5, 2009

/Denis G. Maloney/
Denis G. Maloney
Reg. No. 29, 670

PTO Customer No. 26161
Telephone: (617) 542-5070
Facsimile: (877) 769-7945